

Bills of Interest
2016 Legislative Session
February 15 through February 19, 2016

Bills Introduced in the House

[H0497](#) – GOVERNMENT – Requires any office or department of state government that offers gifts of any kind through interaction with the legislative or executive branch to file the lobbyist reports required by I.C. § 67-6619.

[H0502](#) – CIVIL PROCEDURE – Amends the provisions on compromise of a claim by a minor to allow persons other than the parents, including conservators and guardians, to petition the court for approval of a compromise of a claim; sets a priority for who may file the petition; specifies the information that must be included in the claim so the court may determine whether the compromise is reasonable and in the best interest of the minor. (Court bill.)

[H0504](#) – CRIMINAL PROCEDURE – Provides for annual indigent defense grants to counties of 15% of the county's local share, which based on past indigent defense expenditures, or \$25,000, whichever is greater; also provides for grants of an additional \$25,000 to counties electing to join with other counties in establishing a joint officer of public defender; requires grant applications to state how indigent defense standards will be met and how any identified deficiencies will be cured; gives the State Public Defense Commission authority to establish model contracts and core requirements for indigent defense contracts, to set standards for defending attorneys based on principles of indigent defense set forth in statute, and to review indigent defense providers to evaluate compliance with indigent defense standards.

[H0505](#) – CRIMES – Enacts a new statute, I.C. § 18-1507A, creating the crime of sexual exploitation of a child by electronic means; crime occurs when a minor creates or causes to be created any photographic, electronic or video content of said minor child that would fall under the categories defined in I.C. § 18-1507(1)(c) through (j) and distributes it to another minor; defines when the crime is a misdemeanor and when it is a felony.

[H0506](#) – PUBLIC EMPLOYEES – Amends I.C. § 18-1356, prohibiting certain gifts to public servants, by stating that no public servant shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in, any government contract, purchase, payment, claim, or transaction, eliminating the element that the public servant have a discretionary function in connection with those matters; prohibits any legislator or public servant from soliciting, accepting or agreeing to accept any pecuniary benefit known to be interested in a bill, legislation, official transaction or proceeding, removing the element that the pecuniary benefit is in return for action on a bill, legislation, proceeding or official transaction.

[H0507](#) – CRIMINAL PROCEDURE – Requires sexual assault evidence kits to be submitted for testing to ISP unless when there is no evidence to support a crime being committed, when it is no longer being investigated as a crime, or when the victim expressly indicates that no further examination or investigation occur; requires testing of such kits by ISP within 90 days after they

are received, and reporting of any kits not processed within 90 days to the prosecuting attorney and the Legislature.

[H0508](#) – CRIMINAL PROCEDURE – Provides requirements for bail enforcement agents; requires bail enforcement agents to be at least 21, to be U.S. citizens, and to possess an enhanced license to carry a concealed weapon issued by Idaho or another state; specifies bail enforcement agent credentials; makes it a misdemeanor for a bail enforcement agent to represent himself as a peace officer or employee of a law enforcement agency, to wear a badge other than that specified in the statute, to wear a uniform that would represent him as a peace officer of an employee of any government department, to use a fictitious name that would so represent him, or to carry a weapon except in compliance with all state and federal laws.

[H0511](#) – PROPERTY – Provides that no homeowner's association may add, amend, or enforce a covenant, condition, or restriction that limits or prohibits rental of the property unless agreed to in writing at the time of the addition or amendment by the owner of the property.

[H0513](#) – REAL ID ACT – Lifts the moratorium on Idaho's participation in the federal Real ID Act.

[H0516](#) – ABORTION – Requires patients, prior to an abortion, to be provided with a list of health care providers that perform ultrasounds free of charge, and to be informed that the patient has a right to view an ultrasound image to hear the heart tone monitoring of the unborn child.

[H0517](#) – GAMING – Creates the Idaho Gaming Agency to oversee all gaming activities in Idaho.

[H0518](#) – MENTAL COMMITMENTS – Amends I.C. § 66-217 to add dementia to the definition of mental illness.

[H0521](#) – CRIMINAL PROCEDURE – Provides limited use immunity from prosecution for underage consumption or possession of alcohol for person acting in medical emergencies; provides that evidence obtained solely as a result of the person's having sought, received, or rendered emergency medical services may not be used against the person in a prosecution for consuming or possessing alcohol.

[H0522](#) – CHILDREN & FAMILIES – Provides that within 30 days after a child's removal from a home, DHW shall notify all of the child's known adult relatives and inform them of their options to become a placement for the child that they have 45 days to respond to the notice; that if a relative replies that he is willing to provide placement, DHW shall complete an assessment of the relative's fitness for placement within 90 days; that if the relative replies that he or she is unwilling to provide placement, DHW shall not be required to reconsider such relative for placement; provides that copies of the case plan shall be provided to the foster parents; provides that the placement priority in I.C. § 16-1629(11) shall not apply if the child has been placed in one temporary placement for six months or longer, and that in such case DHW shall make consider the best interests and special needs of the child as paramount, including the child's attachments to the caregivers formed during the temporary placement; specifies the five reasons

why a child may be removed from a foster home, one of which is a court order; provides that if none of the five reasons apply, DHW must petition the court for an order of removal in order to remove the child from the foster home.

[H0524](#) – CRIMES – Makes torture of a companion animal a misdemeanor punishable by up to six months in jail and a fine of up to \$5,000; makes a second offense within ten years punishable by up to nine months in jail and a fine of up to \$7,000; makes a third offense within 15 years, or the commission of this offense by a person who was previously convicted of a felony involving the voluntary infliction of bodily injury upon a person, a felony punishable by up to 12 months in jail and a fine of up to \$9,000; provides that the court may order a psychological evaluation of the defendant prior to sentencing.

[H0525](#) – CRIMES – Enacts the Idaho Dangerous At-Risk Dogs Act; defines “dangerous dog” and “at-risk dog”; provides that any person, or a parent or guardian of a minor, who has been bitten or attacked by a dog may petition the court to have the dog declared a dangerous dog or at-risk dog; provides that if the court finds that the dog is a dangerous dog it may order that the dog be humanely put to death; provides that the court may impose requirements or restrictions for a dangerous or at-risk dog; provides that a person who violates the requirements or restrictions is guilty of a misdemeanor punishable by a fine of not less than \$200 and not more than \$5,000, that second offense within five years is punishable by up to six months jail and a fine of not less than \$500 and not more than \$7,000, and that third offense within 15 years is punishable by up to 12 months jail and a fine of not less than \$500 and not more than \$9,000.

Bills Introduced in the Senate

[S1327](#) – CRIMES – Amends I.C. § 18-1505, addressing abuse, exploitation or neglect of a vulnerable adult, to provide that “neglect” means failure of a caretaker to provide food, clothing, shelter or medical care to a vulnerable adult in such a manner as to jeopardize the life, health, or safety of the vulnerable adult, instead of life, health, and safety. (Court defects bill.)

[S1328](#) – CHILDREN & FAMILIES – Makes revisions to the CPA to conform to the requirements of the federal Preventing Sex Trafficking and Strengthening Families Act and the Fostering Connections Act, to require court inquiries into a child’s possible status as an Indian child, and to require court inquiries into the prescription of psychotropic drugs for the child. (Court bill.)

[S1335](#) – OPEN MEETINGS – Permits executive sessions when composing offers or to consider counteroffers when acquiring an interest in real property, or to consider an offer or counteroffer regarding the sale or lease of real property owned by a public agency or to communicate with a real estate agent or broker to obtain advice regarding the sale or lease of an interest in real property owned by a public agency.

[S1343](#) – CRIMINAL PROCEDURE – Amends I.C. § 20-229B to permit the hearing officer in a parole violation proceeding to not impose the 90/180 day sanctions when the violation results

from conduct that is sexual or violent of there is a formal charge of a new felony or violent misdemeanor.

[S1344](#) – FISH & GAME – Provides that the Department shall contract with a private entity to conduct drawings for controlled hunt permits or tags, and that the drawings must be conducted using a computer program that awards permits and tags based on a random order of selection.

[S1345](#) – CRIMINAL PROCEDURE – Forbids bail agents from compensating, employing, or soliciting any person incarcerated in a jail or prison for the purpose of having the incarcerated person referring business to the agent

[S1346](#) – PUBLIC EMPLOYEES – Requires the Department of Administration to offer state employees a health benefit plan utilizing health savings accounts paired with high-deductible health plans.

[S1349](#) – ABORTION – Enacts the Idaho Unborn Infants Dignity Act; makes it a felony to sell, transfer, distribute, donate, accept, use or attempt to use the body or bodily remains of an aborted infant; makes it a misdemeanor to use an infant or unborn infant of the bodily remains or stem cells of an aborted infant in animal or human research, experimentation or study, or for transplantation, with limited exceptions.